

REMARKS:

In the foregoing amendments, original claims 1-9 were canceled. Claims 10-16 were added to the application. New claims 10-16 correspond to original claims. Support for the new claims can be found in figures 2, 3 and 7 of the present application and in the accompanying disclosure in applicant's specification. For the examiner's convenience, applicant is setting forth an alphabetical list of the structures defined in claims 10-16 below with reference numerals to the structures identified in figures 2, 3 and 7.

Alphabetical list of structures defined in claims 10-16

cab (10),
center portion (M) of cab,
first frame (31),
inner central pillar (12),
inner front pillar (14),
inner-outer casing plate (42),
intermediate guide rail (37),
outer central pillar (11),
outer front pillar (13),
outer-outer casing plate (41),
pipe member or rod member (61)
second frame (32),
sliding door (57),
third frame (33),
turntable (3),
upper guide rail (36), and
U-shaped rear roof frame (22A).

The Official action set forth a rejection of claims 3 and 9 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Official action stated that the term "special cross section" is unclear. In new claims 10-16, the term "special cross section" was not included.

Therefore, applicant respectfully submits that this rejection is now moot. Accordingly, applicant respectfully requests that the examiner reconsider and withdraw this rejection.

Claims 10-16 are in the application for consideration by the examiner. The Official action set forth the following prior art rejections of applicant's claims:

- Claims 1, 4, 8 and 9 were rejected under 35 U.S.C. §102 (b) being anticipated by JP 2001-049696 (JP '696). This document was discussed in applicant's specification disclosure and illustrated in figures 8-10 of the present application.
- Claims 2 and 3 were rejected under 35 U.S.C. §103(a) as being unpatentable over JP '696 in view of U.S. patent No. 6,485,084 of Sorensen *et al.* (Sorensen '084).
- Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over JP '696 U.S. in view of patent No. 6,325,449 of Sorensen *et al.* (Sorensen '449). Sorensen '084 is based on a continuation application of Sorensen '449. Accordingly, these teachings are the same.

Hereinafter, applicant will refer to both of these patent collectively simply as "Sorensen."

- Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over JP '696 in view of U.S. patent No. 6,149,228 of O'Neill *et al.* (O'Neill).
- Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over JP '696 in view of U.S. patent No. 6,561,572 of Martin Jr. (Martin) and U.S. patent No. 6,799,353 of Stewart.

Applicant respectfully submits that the inventions defined in claims 10-16 are patently distinguishable from the teachings of JP '696, Sorensen, O'Neill, Martin and/or Stewart for at least the following reasons.

The teachings of JP '696 were discussed in applicant's specification disclosure. The structure proposed by the teachings of JP '696 has the deficiencies as discussed in the present specification disclosure. The presently claimed invention is directed to overcoming the deficiencies in the teachings of JP '696. The teachings of Sorensen, O'Neill, Martin and Stewart do not disclose or suggest the structures in claims 10-16 that overcome the deficiencies in the teachings of JP '696. Therefore, applicant respectfully submits that the presently claimed inventions are patently distinguishable from the teachings of JP '696, Sorensen, O'Neill, Martin and/or Stewart. In fact, the teachings of Stewart, which are directed to a hand tool, do not appear to be particularly relevant to the invention defined in applicant's claims.

Independent claim 10 defines, *inter alia*, the following structures:

- first and second frames (31, 32) extending rearward from respective middle positions of the outer central pillar (11) and the inner central pillar (12), and an outer-outer casing plate (41) and an inner-outer casing plate (42) respectively being attached to the first and second frames (31, 32), the outer-outer casing plate (41) and the inner-outer casing plate (42) respectively supporting the first and second frames (31, 32);
- a third frame (33) connecting respective end portions of the first and second frames (31, 32); the first, second and third frames forming a rear portion of the cab (10);
- an upper guide rail (36) being attached between respective upper portions of the outer central pillar (11) and the outer front pillar (13); an intermediate guide rail (37) being attached to an outer surface of the outer-outer casing plate (41), and a lower guide rail (18) being attached between respective lower portions of the outer central pillar (11)

and the outer front pillar (13); and the sliding door (57) engaging with the upper guide rail (36), the intermediate guide rail (37) and the lower guide rail (18) enabling the slide door (57) to slide along an outer side surface of the cab (10).

The teachings of JP '696, Sorensen, O'Neill, Martin and Stewart do not disclose or suggest the aforesaid structures in present claim 10. Therefore, applicant respectfully submits that the invention defined in claim 10 is patently distinguishable from these teachings.

In addition, claim 10 requires that the cab is mounted on a turntable in a position offset from a rotational center of the turntable, which is a different structure than the cabs proposed by any of the secondary references, which have nothing to do with a cab mounted on a turntable. For such reasons, applicant respectfully submits that one of ordinary skill in the art would not be motivated to use an isolated structure from any of the devices proposed by Sorensen, O'Neill, Martin and Stewart in the device proposed by JP '696.

Further, applicant cannot find where the teachings of JP '696, Sorensen, O'Neill, Martin and Stewart contemplate or suggest the structures set forth in dependent claims 11-16. For example, claim 13 defines a U-shaped frame is firmly mounted between upper end portions of the outer central pillar (11) and the inner central pillar (12) to form a U-shaped rear roof frame (22A) that extends over the rear portion of the cab. None of teachings of JP '696, Sorensen, O'Neill, Martin and Stewart disclose or suggest this structure.

Claim 14 requires:

(A) the outer front pillar at the front end of the outer side portion of the cab is formed from the pipe,

(B) an upper end portion of the outer front pillar is bent rearward in a two-dimensional manner to form a beam portion, and

(C) a rear-end portion of the beam portion of the outer front pillar is coupled to an upper end of the outer central pillar via a beam member.

None of teachings of JP '696, Sorensen, O'Neill, Martin and Stewart disclose or suggest this structure.

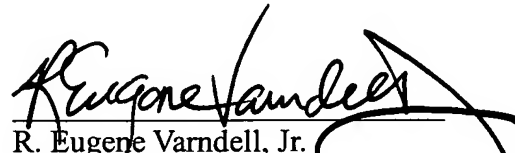
Similarly, claim 15 defines a pipe member or rod member (61) extending in an up-and-down direction with both end portions thereof mounted near a corner portion where the outer side portion and a rear surface portion of the cab meet, and a stopper member stopping movement of the sliding door is mounted to the pipe member or the rod member. The teachings of JP '696, Sorensen, O'Neill, Martin and Stewart do not disclose or suggest this structure.

For at least the foregoing reasons, applicant respectfully submits that the inventions defined in claims 10-16 are patently distinguishable from the teachings of JP '696, Sorensen, O'Neill, Martin and/or Stewart. Therefore, applicant respectfully requests that the examiner reconsider and withdraw all the rejections set forth in the outstanding Office action over these teachings.

For at least the foregoing reasons, a formal allowance of claims 10-16 is respectfully requested. While it is believed that all the claims in this application are in condition for allowance, should the examiner have any comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolve any outstanding issues.

In the event this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee therefor, as well as any other fees which may become due, may be charged to our deposit account No. 50-1147.

Respectfully submitted,
POSZ LAW GROUP, PLC


R. Eugene Varndell, Jr.
Attorney for Applicants
Registration No. 29,728

Atty. docket No. VX042604
12040 South Lakes Drive
Suite 101
Reston, Virginia 20191
(703) 707-9110

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